

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

RICHARD DEMORE	§	
<i>Plaintiff,</i>	§	
	§	
	§	
v.	§	CIVIL ACTION NO. 1:15-cv-206
	§	
HARTFORD ACCIDENT AND	§	
INDEMNITY COMPANY, CLIFFORD	§	
WALSH, AND KHANNA CARVER	§	
<i>Defendants.</i>		

NOTICE OF REMOVAL

Defendant Hartford Accident and Indemnity Company (“Hartford” or “Defendant”) files this Notice of Removal and, in support thereof, would show the Court as follows:

1. On September 11, 2015, Plaintiff Richard Demore (“Plaintiff”) filed his Original Petition (the “Petition”) in Cause Number 49159-A, in the 42d District Court of Taylor County, Texas. Defendants Clifford Walsh, Hartford, and Khanna Carver were served on September 27, 28, and 30, 2015, respectively. Defendants filed their answer in the State Court on October 16, 2015.

2. Pursuant to 28 U.S.C. § 1446(a) attached hereto are copies of all process, pleadings and orders served upon Defendant and all pleadings and orders in the removed case. In particular: (i) an index of the matters filed herewith is attached as Exhibit A; (ii) a copy of the citation and executed service return is attached as Exhibit B; (iii) a copy of the Plaintiff’s petition is attached as Exhibit C; (iv) a copy of Defendant’s

answer is attached as Exhibit D; (v) a copy of the docket sheet in the state court action is attached as Exhibit E; and (vi) a list of all counsel of record, including addresses, phone numbers, and the parties represented is attached as Exhibit F.

3. This notice of removal is timely filed under 28 U.S.C. §1446(b) because it is filed within thirty days after Defendant Hartford first received a copy of a paper from which it could first be ascertained that the case is one which is or has become removable; *i.e.*, Plaintiff's Original Petition.

4. The other Defendants to this litigation, Clifford Walsh and Khanna Carver hereby consent to this removal.

5. The claims asserted against Defendants are civil actions over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332. At the time this action was commenced, Plaintiff was, and still is a citizen of the State of Texas because he is an individual resident of the State of Texas. Defendant was, at the time this action was commenced, and still is, a citizen of the State of Connecticut because it is incorporated under the laws of the State of Connecticut and has its principal place of business in Connecticut. Defendant Walsh is a citizen and resident of Rocklin, California. Defendant Carver is a citizen and resident of Gulfport, Mississippi. Thus, complete diversity of citizenship exists.

6. The amount in controversy exceeds \$75,000 based on Plaintiff's state court Petition.

7. The one-year statute of limitation on removal of diversity cases imposed by 28 U.S.C. § 1446(b) does not prevent removal because this action was commenced less than one year ago.

8. Notice to State Court. Pursuant to 28 U.S.C. § 1446(d), Defendant intends to serve written notice of this removal on the state court promptly after filing this Notice of Removal.

FOR THESE REASONS, Defendant hereby effectuates removal of this cause to this Court.

Respectfully submitted,

/s/ Laura J. Grabouski

Laura Grabouski

State Bar No: 24031595

Brittan L. Buchanan

State Bar No: 03285680

BUCHANAN DiMASI DANCY & GRABOUSKI LLP

9600 Great Hills Trail, Suite 300 West

Austin, Texas 78759

Telephone: 512.225.2800

Facsimile: 512.225.2801

Email: lgrabouski@bddglaw.com
bbuchanan@bddglaw.com

**ATTORNEYS FOR DEFENDANT
HARTFORD ACCIDENT & INDEMNITY
COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that on October 28, 2015, a true and complete copy of the above and foregoing instrument has been served via facsimile, electronically and/or certified mail, return receipt requested on Plaintiff's counsel of record as follows:

Rene M. Sigman
State Bar No. 24037492
Mostyn Law
3810 West Alabama Street
Houston, Texas 77027
Telephone: 713-714-0000
Facsimile: 713-714-1111
Email: rmsdocketefile@mostynlaw.com

/s/ Laura J. Grabouski
Laura J. Grabouski